

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LYNN ZELVIN *on behalf of himself and all others  
similarly situated,*

Plaintiff,

-against-

DIET CENTER WORLDWIDE, INC.

Defendant.

USDC SDNY  
DOCUMENT  
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DATE FILED: 5/10/2024

1:23-cv-11072 (MKV)


ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter filed by Plaintiff informing the Court that the parties have reached a settlement in principle [ECF No. 12]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by June 10, 2024. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

**SO ORDERED.**

**Date: May 10, 2024  
New York, NY**

  
**MARY KAY VYSKOCIL**  
United States District Judge